

III. Amendments to the Drawings

The attached sheets of Drawings include Replacement Sheets for Figs. 17B, 17C, 17D, 17E, 18, 19, 21D, 22, 23A, 27, 34A, and 36, to overcome the problems raised by the Examiner at pages 5-7 of the Office Action.

Attachment: **New Sheets**

IV. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 52-75 are pending in the application. Claims 52 and 61 are independent.

The claims have been amended to overcome the objections noted at page 2 of the Office Action.

The specification and Drawings have been corrected to overcome the objections noted at pages 3-7 of the Office Action. Applicant respectfully traverses the following: “Step ‘1300’ in FIG 34B missing in spec. description” (See para [00153]); and “ ‘Step 176, in FIG. 3’ not in FIG. 6” (See para [0064]). Note that the specification was previously amended to recite a complete claim to priority.

Claims 52-75 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement for the reasons discussed on pages 7 and 8 of the Office Action. Applicant respectfully traverses this rejection on the ground that the person of ordinary skill in the art would be readily enabled to make and use the claimed invention given the specification and Drawings as filed. As proof thereof, Applicant points out that many of the claim terms found to be non-enabled in the Office Action are the same claim terms contained in the claims of issued U.S. Patent No. 6,654,727 (the parent case). Since those same claim terms have been found enabled in the ‘727 Patent (which contains the same description and Drawings as the subject application), and since the ‘727 Patent claims are valid under 35 U.S.C. § 282, the same claim terms in the subject application are also enabled.

However, to assist the Examiner, certain features of the computerized data base claim element may be found, *inter alia*, in paragraphs [0043], [0068], [0087], [0097] – [0099], [00115], and [00133] – [00136]. Certain features of the anticipated cash flow claim element may be found, *inter alia*, in paragraphs [0043] and [0047]. Certain features of the purchase price claim element may be found, *inter alia*, in paragraphs [00122] and [00123]. Certain features of the investment rated securities claim element may be found, *inter alia*, in paragraphs [0012], [0041] – [0043], and [00126]. Certain features

of the emulate the cash flow and recovery characteristics claim element may be found, *inter alia*, in paragraphs [0012] and [0046] – [0047], and [0060].

Claims 52-75 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, for the reason discussed on pages 8-9 of the Office Action. Applicant respectfully traverses this rejection on the ground that the person of ordinary skill in the art would not be confused as to the meaning or scope of the claims. As with the 35 U.S.C. § 112, first paragraph rejection addressed above, Applicant wishes to point out that many of the claim terms found to be indefinite in the Office Action are the same claim terms contained in the claims of the ‘727 Patent. Since those same claim terms have been found definite in the ‘727 Patent, and since the ‘727 Patent claims are valid under 35 U.S.C. § 282, the same claim terms in the subject application are also definite within the meaning of 35 U.S.C. § 112, second paragraph.

With respect to “who or what is performing the selecting”, Applicant is unaware of any authority for the proposition that claims are indefinite absent a recitation of who or what is performing any method step. Recitation to such authority would be appreciated. Also, see Claim 1 of the ‘727 Patent for a definite selecting step.

With respect to “determining”, the rejection is not understood. Nevertheless, Applicant has amended this claim element in an attempt to clarify the claim language. See also Claim 1 of the ‘727 Patent for a definite determining step.

With respect to “establishing a purchase price”, this rejection is also not understood. Indeed, a “purchase price” has not been previously recited in the claim - but, it does not have to be. The claim positively recites the step of establishing a purchase price, an antecedent basis is not needed for the first recitation of a step. Establishing a purchase price for each loan is exhaustively discussed in the

application, *inter alia*, at paragraphs [0013], [0042], [00122] – [00123], [00125], and [00131]. The person or ordinary skill in the art would have no difficulty determining the scope and meaning of the claims, given the specification and Drawings as filed.

With respect to “minimal restrictive covenants”, this rejection is also not understood. The minimal restrictive covenant is discussed in the specification, *inter alia*, at paragraph [0049]. Applicant respectfully submits that the person or ordinary skill in the art would have no difficulty determining the scope and meaning of the claims, given the specification and Drawings as filed. Also, see Claim 13 of the ‘727 Patent for definite minimal restrictive covenants.

With respect to the prior art, Applicants respectfully submits that 35 U.S.C. §§ 102 and 103 entitle her to a scope of protection commensurate with the pending claims.

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in cursive script, reading "James A. Gromada".

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